

Message Text

CONFIDENTIAL

PAGE 01 BUCAR 00430 01 OF 06 011523Z

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FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC 1604

C O N F I D E N T I A L SECTION 1 OF 6 BUCHAREST 0430

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E.O. 11652: GDS

TAGS: EEWT, RO

SUBJECT: US-ROMANIAN TRADE AGREEMENT: RECONCILED TEXT

REF: STATE 023568

1. FOLLOWING IS TEXT OF US-ROMANIAN TRADE AGREEMENT RECONCILED
WITH ROMANIAN VERSION JANUARY 30.

2. BEGIN TEXT:

AGREEMENT ON TRADE RELATIONS BETWEEN THE UNITED STATES
OF AMERICA AND THE SOCIALIST REPUBLIC OF ROMANIA
THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE
GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA, CONSCIOUS OF
THE LONG-STANDING FRIENDSHIP BETWEEN THEIR COUNTRIES AND THE AMERICAN
AND
ROMANIAN PEOPLES, DESIRING TO DEVELOP THEIR RELATIONS ON THE
BASIS OF THE PRINCIPLES
SET FORTH IN THE JOINT STATEMENT OF THE PRESIDENTS OF THE TWO
STATES AT WASHINGTON ON DECEMBER 5, 1973, AND REAFFIRMING THE
CONTINUING IMPORTANCE OF THE JOINT STATEMENT ON ECONOMIC, INDUSTRIAL
AND
TECHNOLOGICAL COOPERATION MADE AT WASHINGTON ON
DECEMBER 5, 1973, HAVING AGREED
THAT COMMERCIAL AND ECONOMIC TIES ARE AN IMPORTANT ELEMENT IN
THE GENERAL STRENGTHENING OF THEIR BILATERAL RELATIONS, BELIEVING
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PAGE 02 BUCAR 00430 01 OF 06 011523Z

THAT AN AGREEMENT EMBODYING UNDERTAKINGS AND ARRANGEMENTS FOR THE

CONDUCT OF TRADE BETWEEN THEIR COUNTRIES WILL SERVE THE INTERESTS OF BOTH PEOPLES, ACKNOWLEDGING THAT FAVORABLE CONDITIONS EXIST FOR THE FURTHER EXPANSION OF TRADE BETWEEN THEIR COUNTRIES, RECOGNIZING THAT IT IS TO THEIR MUTUAL ADVANTAGE TO CONTINUE TO DEVELOP THEIR COMMERCIAL RELATIONS, HAVE AGREED AS FOLLOWS:

1. BOTH PARTIES REAFFIRM THE IMPORTANCE OF THEIR PARTICIPATION IN THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND THE IMPORTANCE OF THE PROVISIONS AND PRINCIPLES OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE FOR THEIR RESPECTIVE ECONOMIC POLICIES. ACCORDINGLY, THE PARTIES SHALL APPLY BETWEEN THEMSELVES THE PROVISIONS OF THE GENERAL AGREEMENT, THE PROTOCOL FOR THE ACCESSION OF ROMANIA OF OCTOBER 15, 1971 TO THAT AGREEMENT, AND ANNEXES TO THAT PROTOCOL INCLUDING ANNEX B.

2. AS PROVIDED IN THE GENERAL AGREEMENT ON TARIFFS AND TRADE, THE PARTIES AGREE TO GRANT EACH OTHER'S PRODUCTS MOST-FAVORED-NATION TREATMENT IMMEDIATELY AND UNCONDITIONALLY WITH RESPECT TO CUSTOMS DUTIES AND CHARGES OF ANY KIND IMPOSED ON OR IN CONNECTION WITH IMPORTATION OR EXPORTATION, AND WITH RESPECT TO THE METHOD OF LEVYING SUCH DUTIES AND CHARGES, AND WITH RESPECT TO ALL RULES AND FORMALITIES IN CONNECTION WITH IMPORTATION AND EXPORTATION, AND AS OTHERWISE PROVIDED IN THE GENERAL AGREEMENT ON TARIFFS AND TRADE, PROVIDED THAT TO THE EXTENT THAT THIS OR ANY OTHER PROVISION OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE IS INCONSISTENT WITH ANY SUBSEQUENT PROVISION OF THIS AGREEMENT, THE LATTER SHALL APPLY.

3. THE PARTIES AGREE TO MAINTAIN A SATISFACTORY BALANCE OF CONCESSIONS IN TRADE AND SERVICES DURING THE PERIOD OF THIS AGREEMENT, AND IN PARTICULAR TO RECIPROCATATE SATISFACTORILY REDUCTIONS BY THE OTHER PARTY IN TARIFFS AND NON-TARIFF BARRIERS TO TRADE THAT RESULT FROM MULTILATERAL NEGOTIATIONS. IN THIS RESPECT, IT IS NOTED THAT ROMANIA, AS A DEVELOPING COUNTRY, COULD BE ELIGIBLE FOR TREATMENT ACCORDED TO DEVELOPING COUNTRIES.

ARTICLE II EXPANSION OF TRADE

CONFIDENTIAL

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PAGE 03 BUCAR 00430 01 OF 06 011523Z

1. THE PARTIES SHALL TAKE APPROPRIATE MEASURES, IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS, TO ENCOURAGE AND FACILITATE THE EXCHANGE OF GOODS AND SERVICES BETWEEN THE TWO COUNTRIES ON THE BASIS OF MUTUAL ADVANTAGE IN ACCORDANCE WITH THE PROVISIONS OF THIS AGREEMENT. IN EXPECTATION OF SUCH JOINT EFFORTS, BOTH GOVERNMENTS ENVISION THAT TOTAL BILATERAL TRADE IN COMPARISON WITH THE PERIOD 1972-1974 WILL AT LEAST TRIPLE OVER THE INITIAL THREE-YEAR PERIOD OF THIS AGREEMENT. IN THIS RESPECT, THE GOVERNMENT

OF THE SOCIALIST REPUBLIC OF ROMANIA EXPECTS THAT DURING THE PERIOD OF THIS AGREEMENT ROMANIAN COMPANIES AND ECONOMIC ORGANIZATIONS WILL PLACE SUBSTANTIAL ORDERS IN THE UNITED STATES OF AMERICA FOR MACHINERY AND EQUIPMENT, AGRICULTURAL AND INDUSTRIAL MATERIALS, AND CONSUMER GOODS PRODUCED IN THE UNITED STATES OF AMERICA, WHILE THE GOVERNMENT OF THE UNITED STATES ANTICIPATES THAT THE EFFECT OF THIS AGREEMENT WILL BE TO ENCOURAGE INCREASING PURCHASES BY FIRMS, COMPANIES, ECONOMIC ORGANIZATIONS AND CONSUMERS IN THE UNITED STATES OF SUCH PRODUCTS FROM THE SOCIALIST REPUBLIC OF ROMANIA.

2. COMMERCIAL TRANSACTIONS WILL BE EFFECTED ON THE BASIS OF CONTRACTS TO BE CONCLUDED BETWEEN FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE UNITED STATES OF AMERICA AND THOSE OF THE SOCIALIST REPUBLIC OF ROMANIA, AND IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS. SUCH CONTRACTS WILL GENERALLY BE CONCLUDED ON TERMS CUSTOMARY IN INTERNATIONAL COMMERCIAL PRACTICE.

ARTICLE III SAFEGUARDS

1. THE PARTIES AGREE TO CONSULT PROMPTLY AT THE REQUEST OF EITHER PARTY SHOULD IT DETERMINE THAT ACTUAL PROSPECTIVE IMPORTS OF A PRODUCT ORIGINATING IN THE TERRITORY OF THE OTHER PARTY ARE CAUSING OR THREATEN TO CAUSE, OR ARE SIGNIFICANTLY CONTRIBUTING TO, MARKET DISRUPTION WITHIN A DOMESTIC INDUSTRY OF THE REQUESTING PARTY.

2. EITHER PARTY MAY IMPOSE SUCH RESTRICTIONS AS IT DEEMS APPROPRIATE ON IMPORTS ORIGINATING IN THE TERRITORY OF THE OTHER PARTY TO PREVENT OR REMEDY SUCH ACTUAL OR THREATENED MARKET DISRUPTION.

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PAGE 04 BUCAR 00430 01 OF 06 011523Z

3. THE PROCEDURES UNDER WHICH THE PARTIES WILL COOPERATE IN APPLYING THIS ARTICLE ARE SET FORTH IN ANNEX 1.

ARTICLE IV BUSINESS FACILITATION

1. IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS, FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF ONE PARTY MAY OPEN, ESTABLISH AND OPERATE REPRESENTATIONS (AS THESE TERMS ARE DEFINED IN ANNEX 3) IN THE TERRITORY OF THE OTHER PARTY. INFORMATION CONCERNING RULES AND REGULATIONS PERTAINING TO SUCH REPRESENTATIONS AND RELATED FACILITIES SHALL BE PROVIDED BY EACH PARTY UPON THE REQUEST OF THE OTHER.

2. NATIONALS, FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS

OF EITHER PARTY SHALL BE AFFORDED ACCESS TO ALL COURTS AND,
WHEN APPLICABLE, TO ADMINISTRATIVE BODIES AS PLAINTIFFS OR
DEFENDANTS, OR OTHERWISE, IN ACCORDANCE WITH THE LAWS IN
FORCE IN THE TERRITORY OF SUCH OTHER PARTY. THEY SHALL NOT
CLAIM OR ENJOY IMMUNITIES FROM SUIT OR EXECUTION OF JUDGMENT
OR OTHER LIABILITY IN THE TERRITORY OF THE OTHER PARTY WITH
RESPECT TO COMMERCIAL OR FINANCIAL TRANSACTIONS; THEY ALSO
SHALL NOT CLAIM OR ENJOY IMMUNITIES FROM TAXATION WITH
RESPECT TO COMMERCIAL OR FINANCIAL TRANSACTIONS, EXCEPT AS MAY BE

CONFIDENTIAL

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PAGE 01 BUCAR 00430 02 OF 06 011312Z

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ACTION EB-03

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TO SECSTATE WASHDC 1605

C O N F I D E N T I A L SECTION 2 OF 6 BUCHAREST 0430

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PROVIDED IN OTHER BILATERAL AGREEMENTS.

3.FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF ONE
OF THE PARTIES SHALL BE PERMITTED TO ENGAGE IN THE TERRITORY
OF THE OTHER PARTY IN ANY COMMERCIAL ACTIVITY WHICH IS NOT
CONTRARY TO THE LASW OF SUCH OTHER PARTY.

4. FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF EITHER
PARTY THAT DESIRE TO ESTABLISH REPRESENTATIONS OR ALREADY
OPERATE REPRESENTATIONS IN THE TERRITORY OF THE OTHER PARTY
SHALL RECEIVE TREATMENT NO LESS FAVORABLE THAN THAT ACCORDED
TO FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF ANY THIRD
COUNTRY IN ALL MATTERS RELATING THERETO. THE RIGHTS AND
FACILITIES SET OUT IN ANNEX 2 SHALL BE AMONG THOSE THAT WILL
BE ACCORDED SUCH FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS
WHICH ESTABLISH REPRESENTATIONS.

5. FOR THE PURPOSE OF CARRYING ON TRADE BETWEEN THE TERRITORIES OF THE TWO PARTIES AND ENGAGING IN RELATED COMMERCIAL ACTIVITIES, NATIONALS OF EACH PARTY AND EMPLOYEES OF ITS FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS AND THEIR FAMILIES SHALL BE PERMITTED TO ENTER, TO RESIDE AND TO OBTAIN APPROPRIATE HOUSING IN THE TERRITORY OF THE OTHER PARTY, AND TO TRAVEL THEREIN FREELY, IN ACCORDANCE WITH THE LAWS RELATING TO ENTRY, STAY AND TRAVEL OF ALIENS.

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PAGE 02 BUCAR 00430 02 OF 06 011312Z

6. THE PARTIES AFFIRM THAT NO RESTRICTIONS SHALL EXIST IN PRINCIPLE ON CONTACTS BETWEEN REPRESENTATIVES OF AMERICAN AND ROMANIAN FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS. TO THIS END, REPRESENTATIVES OF FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF EITHER PARTY SHALL BE PERMITTED WITHIN THE TERRITORY OF THE OTHER PARTY TO DEAL DIRECTLY WITH BUYERS AND USERS OF THEIR PRODUCTS, FOR PURPOSES OF SALES PROMOTION AND SERVICING THEIR PRODUCTS, IN ACCORDANCE WITH THE PROCEDURES AND REGULATIONS APPLICABLE IN EACH COUNTRY.

7. THE PARTIES SHALL AS APPROPRIATE PERMIT AND FACILITATE ACCESS WITHIN THEIR TERRITORIES BY REPRESENTATIVES OF FIRMS, COMPANIES, AND ECONOMIC ORGANIZATIONS OF THE OTHER PARTY TO INFORMATION CONCERNING MARKETS FOR GOODS AND SERVICES IN ACCORDANCE WITH THE PROCEDURES AND REGULATIONS APPLICABLE IN EACH COUNTRY.

8. FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF EITHER PARTY SHALL BE PERMITTED IN ACCORDANCE WITH PROCEDURES AND REGULATIONS APPLICABLE WITHIN THE TERRITORY OF THE OTHER PARTY TO ADVERTISE, CONCLUDE CONTRACTS, AND PROVIDE TECHNICAL SERVICES TO THE SAME EXTENT THAT FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE LATTER PARTY MAY DO SO. DUTY-FREE TREATMENT WILL BE ACCORDED TO SAMPLES WITHOUT COMMERCIAL VALUE AND ADVERTISING MATERIALS, AS PROVIDED IN THE GENEVA CONVENTION OF NOVEMBER 7, 1952, RELATING TO THE IMPORTATION OF COMMERCIAL SAMPLES AND ADVERTISING MATERIAL.

9. EACH PARTY AGREES TO PROVIDE ITS GOOD OFFICES TO ASSIST IN THE SOLUTION OF BUSINESS FACILITATION PROBLEMS AND IN GAINING ACCESS TO APPROPRIATE GOVERNMENT OFFICIALS IN EACH COUNTRY.

10. EACH PARTY AGREES TO ENCOURAGE THE DEVELOPMENT ON ITS TERRITORY OF APPROPRIATE SERVICES AND FACILITIES AND ADEQUATE ACCESS THERETO TO PROMOTE ALSO THE ACTIVITIES OF FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE OTHER PARTY, WHICH DO NOT HAVE REPRESENTATIONS, AND THEIR EMPLOYEES AND REPRESENTATIVES.

11. EACH PARTY AGREES TO FACILITATE IN ITS TERRITORY,
CONFIDENTIAL

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PAGE 03 BUCAR 00430 02 OF 06 011312Z

TO THE FULLEST EXTENT PRACTICABLE, THE ACTIVITIES OF FIRMS,
COMPANIES AND ECONOMIC ORGANIZATIONS OF THE OTHER PARTY
ACTING THROUGH EMPLOYEES, TECHNICIANS, EXPERTS, SPECIALISTS
AND OTHER REPRESENTATIVES IN CARRYING OUT CONTRACTS
CONCLUDED BETWEEN THE FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS
OF THE TWO PARTIES.

12. EACH PARTY UNDERTAKES TO FACILITATE TRAVEL BY
TOURISTS AND OTHER VISITORS AND THE DISTRIBUTION OF IN-
FORMATION FOR TOURISTS.

13. THE PARTIES CONFIRM THEIR COMMITMENT, AS EXPRESSED
IN THE JOINT STATEMENT ON ECONOMIC, INDUSTRIAL, AND TECH-
NOLOGICAL COOPERATION OF DECEMBER 5, 1973, TO FACILITATE
PARTICIPATION OF THEIR NATIONALS, FIRMS, COMPANIES AND ECONOMIC
ORGANIZATIONS IN FAIRS AND EXHIBITIONS ORGANIZED IN THE
OTHER COUNTRY. EACH PARTY FURTHER UNDERTAKES TO ENCOURAGE
AND FACILITATE PARTICIPATION BY NATIONALS, FIRMS, COMPANIES AND
ECONOMIC ORGANIZATIONS OF THE OTHER COUNTRY IN TRADE FAIRS
AND EXHIBITS IN ITS TERRITORY, AS WELL AS TO FACILITATE
TRADE MISSIONS ORGANIZED IN THE OTHER COUNTRY AND SENT BY
MUTUAL AGREEMENT OF THE PARTIES. SUBJECT TO THE LAWS IN
FORCE WITHIN THEIR TERRITORIES, THE PARTIES AGREE TO ALLOW
THE IMPORT AND RE-EXPORT ON A DUTY-FREE BASIS OF ALL ARTICLES
FOR USE BY FIRMS, COMPANIES, AND ECONOMIC ORGANIZATIONS
OF THE OTHER PARTY IN FAIRS AND EXHIBITIONS, PROVIDING THAT SUCH
ARTICLES ARE NOT TRANSFERRED.

ARTICLE V: INDUSTRIAL PROPERTY, INDUSTRIAL RIGHTS AND PROCESSES,
AND COPYRIGHTS

1. EACH PARTY SHALL CONTINUE TO PROVIDE NATIONALS, FIRMS,
COMPANIES AND ECONOMIC ORGANIZATIONS OF THE OTHER PARTY WITH
RIGHTS WITH RESPECT TO INDUSTRIAL PROPERTY PROVIDED IN THE
CONVENTION OF PARIS FOR THE PROTECTION OF INDUSTRIAL PROPERTY
(AS REVISED AT STOCKHOLM ON JULY 14, 1967).

2. WITH RESPECT TO INDUSTRIAL RIGHTS AND PROCESSES OTHER
THAN THOSE REFERRED TO IN PARAS 1 AND 3 OF THIS ARTICLE,
EACH PARTY SHALL PROVIDE THE SAME LEGAL PROTECTION TO NATIONALS,
FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE OTHER PARTY
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PAGE 04 BUCAR 00430 02 OF 06 011312Z

THAT IS PROVIDED WITHIN ITS TERRITORY TO ITS OWN NATIONALS,
COMPANIES AND ECONOMIC ORGANIZATIONS.

3. EACH PARTY AGREES TO PROVIDE NATIONALS, FIRMS, COMPANIES
AND ECONOMIC ORGANIZATIONS OF THE OTHER PARTY THE RIGHTS WITH
RESPECT TO COPYRIGHTS SET FORTH IN THE UNIVERSAL COPYRIGHT
CONVENTION AS REVISED AT PARIS ON JULY 24, 1971.

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PAGE 01 BUCAR 00430 03 OF 06 011324Z

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ACTION EB-03

INFO OCT-01 SS-14 ISO-00 EUR-08 TRSE-00 L-01 INR-05 CIAE-00

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C O N F I D E N T I A L SECTION 3 OF 6 BUCHAREST 0430

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ARTICLE VI: FINANCIAL PROVISIONS

1. NATIONALS, FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF
EACH PARTY SHALL BE ACCORDED BY THE OTHER PARTY MOST-FAVORED-
NATION TREATMENT WITH RESPECT TO PAYMENTS, REMITTANCES AND TRANSFERS
OF FUNDS OR FINANCIAL INSTRUMENTS BETWEEN THE TERRITORIES OF THE
TWO PARTIES, AS WELL AS BETWEEN THE TERRITORY OF SUCH OTHER PARTY
AND THAT OF ANY THIRD COUNTRY. FOR THIS PURPOSE, THE PARTIES AGREE
TO GRANT THOSE AUTHORIZATIONS WHICH ARE NECESSARY.

2. FINANCIAL TRANSACTIONS BETWEEN NATIONS, FIRMS, COMPANIES
AND ECONOMIC ORGANIZATIONS OF THE UNITED STATES OF AMERICA AND THOSE
OF THE SOCIALIST REPUBLIC OF ROMANIA SHALL BE MADE ACCORDING TO
APPLICABLE LAWS AND REGULATIONS. ALL TRANSACTIONS SHALL BE MADE
IN UNITED STATES DOLLARS OR ANY OTHER FREELY CONVERTIBLE CURRENCY
MUTUALLY AGREED UPON BY SUCH PERSONS, FIRMS, COMPANIES AND ECONOMIC
ORGANIZATIONS, UNLESS THEY
OTHERWISE AGREE. HOWEVER, EXPENDITURES IN THE TERRITORY OF A PARTY

BY NATIONS, FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE OTHER PARTY
MAY BE MADE IN LOCAL CURRENCY RECEIVED IN AN AUTHORIZED MANNER IN ACCORDANCE WITH THE REGULATIONS APPLICABLE TO SUCH EXPENDITURES.
NO RESTRICTIONS SHALL BE PLACED BY EITHER PARTY UPON THE EXPORT FROM ITS TERRITORY OF FREELY CONVERTIBLE CURRENCIES, OR DEPOSITS OR INSTRUMENTS REPRESENTATIVE THEREOF, BY THE NATIONALS, FIRMS, COMPANIES, ECONOMIC ORGANIZATIONS OR GOVERNMENT OF CONFIDENTIAL

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PAGE 02 BUCAR 00430 03 OF 06 011324Z

THE OTHER PARTY, PROVIDED SUCH CURRENCIES, DEPOSITS, OR INSTRUMENTS WERE RECEIVED IN AN AUTHORIZED MANNER. IF EITHER PARTY MAINTAINS MORE THAN ONE RATE OF EXCHANGE, IT SHALL ACCORD TO NATIONALS, FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE OTHER PARTY TREATMENT NO LESS FAVORABLE IN MATTERS RELATING TO RATES OF EXCHANGE THAN IT ACCORDS TO NATIONS, FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF ANY THIRD COUNTRY.

3. NATIONALS, FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF EACH PARTY SHALL BE ACCORDED MOST-FAVORED-NATION TREATMENT BY THE OTHER PARTY WITH RESPECT TO THE OPENING AND MAINTAINING OF ACCOUNTS IN LOCAL AND ANY CONVERTIBLE CURRENCY IN FINANCIAL INSTITUTIONS AND WITH RESPECT TO USE OF SUCH CURRENCIES.

ARTICLE VII NAVIGATION

1. VESSELS UNDER THE FLAG OF EITHER PARTY, AND CARRYING THE DOCUMENTS REQUIRED BY ITS LAW IN PROOF OF NATIONALITY, SHALL BE DEEMED TO BE VESSELS OF THAT PARTY BOTH ON THE HIGH SEAS AND WITHIN THE PORTS, PLACES, AND WATERS OF THE OTHER PARTY.

2. THE DOCUMENTS OF A VESSEL, AS WELL AS THE DOCUMENTS REFERRING TO CREWS, ISSUED ACCORDING TO THE LAWS AND REGULATIONS OF THE PARTY UNDER WHOSE FLAG THE VESSEL IS NAVIGATING, WILL BE RECOGNIZED BY THE AUTHORITIES OF THE OTHER PARTY.

3. VESSELS OF EITHER PARTY (OTHER THAN WARSHIPS, AS DEFINED IN THE GENEVA CONVENTION ON THE HIGH SEAS OF APRIL 29, 1958) SHALL HAVE LIBERTY ON EQUAL TERMS WITH VESSELS OF ANY THIRD COUNTRY, TO COME WITH THEIR CARGOES TO PORTS, PLACES, AND WATERS OF THE OTHER PARTY OPEN TO FOREIGN COMMERCE AND NAVIGATION, EXCEPT INsofar AS REQUIREMENTS OF NATIONAL SECURITY LIMIT SUCH ACCESS; SUCH VESSELS AND CARGOES SHALL THEN IN ALL RESPECTS BE ACCORDED MOST-FAVORED-NATION TREATMENT WITHIN THE PORTS, PLACES AND WATERS OF THE OTHER PARTY EXCEPT INsofar AS MODIFIED BY PORT SECURITY REQUIREMENTS.

4. THE PROVISIONS OF PARAGRAPH 3 OF THIS ARTICLE SHALL NOT APPLY TO FISHING VESSELS, FISHERY RESEARCH VESSELS, OR

FISHERY SUPPORT VESSELS. THE PARTIES REAFFIRM THE IMPORTANCE
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PAGE 03 BUCAR 00430 03 OF 06 011324Z

OF THEIR AGREEMENT REGARDING FISHERIES IN THE WESTERN REGION
OF THE MIDDLE ATLANTIC OCEAN, CONCLUDED AT WASHINGTON ON
DECEMBER 3, 1973, WHICH SHALL CONTINUE TO APPLY IN ACCORDANCE
WITH ITS TERMS.

ARTICLE VIII
DISPUTES SETTLEMENT

1. THE PARTIES REAFFIRM THEIR COMMITMENT, AS EXPRESSED IN THE
JOINT STATEMENT ON ECONOMIC, INDUSTRIAL, AND TECHNOLOGICAL
COOPERATION
OF DECEMBER 5, 1973 TO PROMPT AND EQUITABLE
SETTLEMENT ON AN AMICABLE BASIS OF COMMERCIAL DISPUTES WHICH MAY
ARISE.

2. THE PARTIES ENCOURAGE THE ADOPTION OF ARBITRATION FOR THE
SETTLEMENT OF DISPUTES ARISING OUT OF INTERNATIONAL COMMERCIAL
TRANSACTIONS CONCLUDED BETWEEN FIRMS, COMPANIES AND ECONOMIC
ORGANIZATIONS OF THE UNITED STATES OF AMERICA AND THOSE OF THE
SOCIALIST REPUBLIC OF ROMANIA. SUCH ARBITRATION SHOULD BE PROVIDED
FOR BY PROVISIONS IN CONTRACTS BETWEEN SUCH FIRMS, COMPANIES, AND
ECONOMIC ORGANIZATIONS, OR IN SEPARATE AGREEMENTS BETWEEN THEM IN
WRITING EXECUTED IN THE FORM REQUIRED FOR SUCH CONTRACTS. SUCH
AGREEMENTS (A) SHOULD PROVIDE FOR ARBITRATION UNDER THE RULES OF
ARBITRATION OF THE INTERNATIONAL CHAMBER OF COMMERCE IN PARIS;
AND (B) SHOULD SPECIFY AS THE PLACE OF ARBITRATION A PLACE IN A
COUNTRY OTHER THAN THE UNITED STATES OF AMERICA OR THE SOCIALIST
REPUBLIC OR ROMANIA THAT IS A PARTY TO THE CONVENTION
FOR THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS
OF NEW YORK ON JUNE 10, 1958; HOWEVER, FIRMS, COMPANIES AND
ECONOMIC ORGANIZATIONS PARTY TO A CONTRACT MAY AGREE UPON ANY
OTHER FORM OR PLACE OF ARBITRATION.

ARTICLE IX: GOVERNMENTAL COMMERCIAL OFFICES

1. IN ORDER TO PROMOTE THE DEVELOPMENT OF TRADE AND ECONOMIC
RELATIONS BETWEEN THE PARTIES, AND TO PROVIDE ASSISTANCE TO
THEIR FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS
AND TO NATIONALS WHO ARE ENGAGED IN COMMERCIAL ACTIVITIES, EACH
PARTY AGREES TO PERMIT AND FACILITATE THE ESTABLISHMENT AND
OPERATION OF GOVERNMENTAL COMMERCIAL OFFICES OF THE OTHER PARTY
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PAGE 04 BUCAR 00430 03 OF 06 011324Z

ON A RECIPROCAL BASIS. THE ESTABLISHMENT AND OPERATION OF SUCH OFFICES SHALL BE IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS, AND SUBJECT TO SUCH TERMS, CONDITIONS, PRIVILEGES, AND IMMUNITIES AS MAY BE AGREED UPON BY THE PARTIES. THE PARTIES AGREE THAT ACCESS, FOR COMMERCIAL PURPOSES, TO SUCH OFFICES BY NATIONALS OF EITHER PARTY WHO ARE ENGAGED IN COMMERCIAL ACTIVITIES WILL BE UNRESTRICTED.

2. GOVERNMENTAL COMMERCIAL OFFICES, AND THEIR RESPECTIVE OFFICERS AND STAFF MEMBERS, TO THE EXTENT THAT THEY ENJOY DIPLOMATIC IMMUNITY, SHALL NOT PARTICIPATE DIRECTLY IN THE NEGOTIATION, EXECUTION, OR FULFILLMENT OF TRADE TRANSACTIONS OR OTHERWISE CARRY ON TRADE.

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PAGE 01 BUCAR 00430 04 OF 06 011335Z

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ACTION EB-03

INFO OCT-01 SS-14 ISO-00 EUR-08 TRSE-00 L-01 INR-05 CIAE-00

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TO SECSTATE WASHDC 1607

C O N F I D E N T I A L SECTION 4 OF 6 BUCHAREST 0430

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ARTICLE X: NATIONAL SECURITY

THE PROVISIONS OF THIS AGREEMENT SHALL NOT LIMIT THE RIGHT OF EITHER PARTY TO TAKE ANY ACTION FOR THE PROTECTION OF ITS SECURITY INTERESTS.

ARTICLE XI: REVIEW OF OPERATION OF AGREEMENT

THE JOINT AMERICAN-ROMANIAN ECONOMIC COMMISSION, ESTABLISHED IN ACCORDANCE WITH THE JOINT STATEMENT ON ECONOMIC, INDUSTRIAL AND TECHNOLOGICAL COOPERATION OF DECEMBER 5, 1973, SHALL REVIEW THE OPERATION OF THIS AGREEMENT AND AS NECESSARY PREPARE RECOMMENDATIONS WHICH SHALL BE PRESENTED TO THE

GOVERNMENTS OF BOTH COUNTRIES FOR THE FURTHER IMPROVEMENT OF
TRADE RELATIONS BETWEEN THE TWO COUNTRIES.

ARTICLE XII: DURATION AND ENTRY INTO FORCE

1. THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF EXCHANGE OF
WRITTEN NOTICES OF ACCEPTANCE BY THE TWO GOVERNMENTS, AND SHALL
REMAIN IN FORCE AS PROVIDED IN PARAGRAPH 2.

2. (A) THE INITIAL TERM OF THIS AGREEMENT SHALL BE
THREE YEARS, SUBJECT TO SUBPARAGRAPH (C).

(B) IF EITHER PARTY ENCOUNTERS OR FORESEES A PROBLEM
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PAGE 02 BUCAR 00430 04 OF 06 011335Z

WITH RESPECT TO THE APPLICATION OF THIS AGREEMENT, INCLUDING
A PROBLEM CONCERNING ITS DOMESTIC LEGAL AUTHORITY TO CARRY
OUT ANY OF ITS OBLIGATIONS UNDER THIS AGREEMENT, SUCH PARTY
SHALL REQUEST IMMEDIATE CONSULTATIONS WITH THE OTHER PARTY.
ONCE CONSULTATIONS HAVE BEEN REQUESTED, THE OTHER PARTY SHALL
ENTER INTO SUCH CONSULTATIONS AS SOON AS POSSIBLE CONCERNING
THE CIRCUMSTANCES THAT HAVE ARISEN, WITH A VIEW TO FINDING
A SOLUTION WHICH WOULD MAKE ACTION UNDER SUBPARAGRAPH (C)
UNNECESSARY.

(C) IF EITHER PARTY IS UNABLE TO CARRY OUT ANY OF
ITS OBLIGATIONS UNDER THIS AGREEMENT EITHER PARTY MAY SUSPEND
OR TERMINATE THE APPLICABILITY OF THIS AGREEMENT OR, WITH
THE AGREEMENT OF THE OTHER PARTY, ANY PART OF THIS AGREEMENT.
IF EITHER PARTY TAKES ACTION UNDER THIS SUBPARAGRAPH, THAT
PARTY WILL, TO THE FULLEST EXTENT PRACTICABLE AND CONSISTENT
WITH DOMESTIC LAW, SEEK TO MINIMIZE DISRUPTION TO EXISTING
TRADE RELATIONS BETWEEN THE TWO COUNTRIES.

(D) THIS AGREEMENT SHALL BE EXTENDED FOR SUCCESSIVE
PERIODS OF THREE YEARS EACH UNLESS EITHER PARTY HAS NOTIFIED,
IN WRITING, THE OTHER PARTY OF THE TERMINATION OF THIS AGREEMENT
AT LEAST 30 DAYS PRIOR TO ITS EXPIRATION.

3. ANNEXES 1, 2 AND 3 SHALL CONSTITUTE AN INTEGRAL PART
OF THIS AGREEMENT.

IN WITNESS WHEREOF, THE AUTHORIZED REPRESENTATIVES OF THE
PARTIES HAVE SIGNED THIS AGREEMENT.

DONE IN TWO ORIGINAL COPIES ATTHIS.....DAY
OF..... 1975, IN ENGLISH AND ROMANIAN, BOTH TEXTS
BEING EQUALLY AUTHENTIC.

ANNEX 1

PROCEDURES FOR THE IMPLEMENTATION OF ARTICLE III

1/A. THE CONSULTATIONS PROVIDED FOR UNDER ARTICLE III
SHALL HAVE THE OBJECTIVES OF PRESENTING AND EXAMINING TOGETHER
THE FACTORS RELATING TO IMPORTS THAT MAY BE CAUSING OR THREATENING
CONFIDENTIAL

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PAGE 03 BUCAR 00430 04 OF 06 011335Z

TO CAUSE OR SIGNIFICANTLY CONTRIBUTING TO MARKET DISRUPTION, AND
FINDING A MEANS OF PREVENTING OR REMEDYING SUCH MARKET DISRUPTION.
SUCH CONSULTATIONS SHALL PROVIDE FOR A REVIEW OF THE PRODUCTION,
MARKET, AND TRADE SITUATION OF THE PRODUCT INVOLVED (AND MAY
INCLUDE SUCH FACTORS AS TRENDS IN DOMESTIC PRODUCTION, PROFITS OF
FIRMS WITHIN THE INDUSTRY, THE EMPLOYMENT SITUATION, SALES,
INVENTORIES, RATES OF INCREASE OF IMPORTS, MARKET SHARE, LEVEL
OF IMPORTS, SOURCES OF SUPPLY, THE SITUATION OF THE EXPORTER AND
ANY OTHER ASPECT WHICH MAY CONTRIBUTE TO THE EXAMINATION OF THE
SITUATION).

BOTH PARTIES IN CARRYING OUT THESE CONSULTATIONS SHALL TAKE
DUE ACCOUNT OF ANY CONTRACTS BETWEEN FIRMS, COMPANIES AND ECONOMIC
ORGANIZATIONS OF THE UNITED STATES OF AMERICA AND THE SOCIALIST
REPUBLIC OF ROMANIA CONCLUDED PRIOR TO THE REQUEST FOR CONSULTA-
TIONS.

SUCH CONSULTATIONS SHALL BE CONCLUDED WITHIN NINETY DAYS OF
THE REQUEST, UNLESS OTHERWISE AGREED DURING THE COURSE OF SUCH
CONSULTATIONS.

1/B. UNLESS A DIFFERENT SOLUTION IS AGREED UPON DURING
THE CONSULTATIONS, THE QUANTITATIVE IMPORT LIMITATIONS OR OTHER
RESTRICTIONS STATED BY THE IMPORTING PARTY TO BE NECESSARY TO
PREVENT OR REMEDY THE MARKET DISRUPTION IN QUESTION SHALL BE
IMPLEMENTED.

1/C. AT THE REQUEST OF THE IMPORTING PARTY, IF IT DETERMINES
THAT AN EMERGENCY SITUATION EXISTS, THE LIMITATIONS OR OTHER
RESTRICTIONS REFERRED TO IN ITS REQUEST FOR CONSULTATIONS SHALL
BE PUT INTO EFFECT PRIOR TO THE CONCLUSION OF SUCH CONSULTATIONS.

1/D. THE RIGHTS OF THE EXPORTING PARTY REFERRED TO IN
PARAGRAPH 4(D) OF THE PROTOCOL FOR THE ACCESSION OF ROMANIA TO
THE GENERAL AGREEMENT ON TARIFFS AND TRADE OF OCTOBER 15, 1971
SHALL APPLY IN THE EVENT THAT ACTION CONTEMPLATED IN THIS ANNEX
IS TAKEN.

2/A. IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS,
EACH PARTY SHALL TAKE APPROPRIATE MEASURES TO ENSURE THAT EXPORTS
FROM ITS COUNTRY OF THE PRODUCTS CONCERNED DO NOT EXCEED THE
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PAGE 04 BUCAR 00430 04 OF 06 011335Z

QUANTITIES OR VARY FROM THE RESTRICTIONS ESTABLISHED FOR IMPORTS
OF SUCH PRODUCTS INTO THE OTHER COUNTRY PRUSUANT TO PARAGRAPH 1
OF THIS ANNEX.

2/B. EACH PARTY MAY TAKE APPROPRIATE MEASURES WITH RESPECT
TO IMPORTS INTO ITS COUNTRY TO ENSURE THAT IMPORTS OF PRODUCTS
ORIGINATING IN THE OTHER COUNTRY COMPLY WITH SUCH QUANTITATIVE
LIMITATIONS OR OTHER RESTRICTIONS.

ANNEX 2

BUSINESS FACILITATION

I. THE FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF ONE PARTY,
IN CONNECTION WITH THE ESTABLISHMENT AND OPERATION OF THEIR
REPRESENTATIONS IN THE TERRITORY OF THE OTHER PARTY, AS WELL
AS THE EMPLOYEES OF SUCH REPRESENTATIONS, SHALL ENJOY RIGHTS AND
FACILITIES AS PROVIDED BELOW.

1. APPLICATIONS TO ESTABLISH REPRESENTATIONS AND TO OBTAIN
ANY NECESSARY AUTHORIZATION SHALL BE HANDLED

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PAGE 01 BUCAR 00430 05 OF 06 011346Z

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ACTION EB-03

INFO OCT-01 SS-14 ISO-00 EUR-08 TRSE-00 L-01 INR-05 CIAE-00

NSC-05 NSCE-00 SP-02 RSC-01 /040 W

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FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC 1608

C O N F I D E N T I A L SECTION 5 OF 6 BUCHAREST 0430

LIMDIS

EXPEDITIOUSLY AND SHALL BE PROCESSED AND ACTED UPON IN ACCORDANCE WITH PROCEDURES AND STANDARDS NO LESS FAVORABLE THAN THOSE ACCORDED TO THE FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF ANY THIRD COUNTRIES.

2. REVOCATION OR REFUSAL TO RENEW AUTHORIZATION TO OPERATE SUCH REPRESENTATIONS SHALL REQUIRE NOTICE IN WRITING AT LEAST THREE MONTHS PRIOR TO TERMINATION OF AUTHORIZATION TO SUCH REPRESENTATION.

3. SUCH REPRESENTATION SHALL CONSIST OF NATURAL OR LEGAL PERSONS AND SHALL BE ESTABLISHED AND OPERATED IN ACCORDANCE WITH PROCEDURES AND REGULATIONS IN THE HOST COUNTRY. TERMINATION OF THE ACTIVITIES OF A REPRESENTATION SHALL NOT BE SUBJECT TO ANY PENALTIES WHEN IT DOES NOT CONTRAVENE THE PROVISIONS OF ANY CONTRACT EXISTING BETWEEN THE REPRESENTATION AND THE FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE HOST COUNTRY.

4. THE PARTIES RECOGNIZE THAT REASONABLE LEVELS AND APPLICATION OF FEES, TAXES, RENTS AND OTHER CHARGES, AND ADEQUATE NOTICE OF CHANGES THEREIN TO THE CONCERNED REPRESENTATIONS AND THEIR EMPLOYEES, ARE BENEFICIAL TO COMMERCE AND COOPERATION BETWEEN THE TWO COUNTRIES.

5. REPRESENTATIONS SHALL BE PERMITTED TO RENT OFFICE SPACE FOR THEIR NEEDS AND HOUSING
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PAGE 02 BUCAR 00430 05 OF 06 011346Z

FOR THE USE OF THEIR EMPLOYEES. THE PARTIES, UPON REQUEST, WILL USE THE GOOD OFFICES AT THEIR DISPOSAL TO FACILITATE AND EXPEDITE THE OBTAINING AND OCCUPYING OF SUCH OFFICE SPACE AND HOUSING.

6. REPRESENTATIONS SHALL BE PERMITTED TO IMPORT, AS PROMPTLY AS DESIRED, OFFICE MACHINES, AUTOMOBILES, AND OTHER EQUIPMENT FOR THE PURPOSE OF EFFICIENT AND BUSINESS-LIKE OPERATION OF THE REPRESENTATION, SUBJECT TO APPLICABLE CUSTOMS REGULATIONS.

7. THE EMPLOYEES OF THE REPRESENTATIONS SHALL BE PERMITTED TO IMPORT PERSONAL EFFECTS INCLUDING FURNITURE AND APPLIANCES. SUCH PERSONAL EFFECTS SHALL BE ENTERED DUTY-FREE IN ACCORDANCE WITH APPLICABLE CUSTOMS REGULATIONS. AUTOMOBILES AND SIMILAR MEANS OF TRANSPORTATION IMPORTED FOR THE USE OF SUCH EMPLOYEES WILL BE PERMITTED TO ENTER IN ACCORDANCE WITH THE APPLICABLE CUSTOMS REGULATIONS. SUCH EMPLOYEES SHALL ALSO BE PERMITTED TO EXPORT THEIR IMPORTED PERSONAL EFFECTS AND AUTOMOBILES, FREE OF EXPORT DUTIES.

8. REPRESENTATIONS MAY ACQUIRE COMMUNICATIONS FACILITIES, SUCH AS OFFICE OR HOME TELEPHONE FOR THEIR EMPLOYEES, EXTENSIONS, AND TELEX EQUIPMENT, WHICH WILL BE MADE AVAILABLE AS PROMPTLY AS POSSIBLE UPON APPLICATION THEREFOR, IN ACCORDANCE WITH APPLICABLE LAW.

9. THE TERM "EMPLOYEE" USED IN PARAGRAPHS 4, 5, 7 AND 8 REFERS TO PERSONS SENT BY FIRMS, COMPANIES AND ECONOMIC ORGANIZATIONS OF ONE PARTY TO PERFORM SERVICES FOR THEIR REPRESENTATIONS WHICH ARE FUNCTIONING IN THE TERRITORY OF THE OTHER PARTY.

10. REPRESENTATIONS MAY, SUBJECT TO THE APPLICABLE LAWS AND PROCEDURES, SELECT AND EMPLOY ANY PERSON, REGARDLESS OF CITIZENSHIP, LAWFULLY RESIDING IN OR ADMITTED TO THE TERRITORY OF SUCH OTHER PARTY. NEITHER PARTY SHALL IMPOSE RESTRICTIONS ON THE TERMINATION OF EMPLOYEES, OTHER THAN THE CONTRACTUAL PROVISIONS REQUIRING NOTICE AND COMPENSATION. NEITHER PARTY SHALL RESTRICT THE CONFIDENTIAL

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PAGE 03 BUCAR 00430 05 OF 06 011346Z

TOTAL NUMBER OF PERSONS TO BE EMPLOYED AS LONG AS THEY ARE REASONABLY NEEDED FOR THE CONDUCT OF BUSINESS. REPRESENTATIONS SHALL HIRE, COMPENSATE, AND TERMINATE THE EMPLOYMENT OF EMPLOYEES IN ACCORDANCE WITH THE PROVISIONS OF CONTRACTS GOVERNING THEIR EMPLOYMENT. EACH PARTY AGREES TO ENCOURAGE THE NEGOTIATION OF CONTRACTS IN SUCH A WAY THAT THE REPRESENTATIONS OF THE OTHER PARTY SHALL HAVE THE BROADEST POSSIBLE FLEXIBILITY IN SELECTING, HIRING AND COMPENSATING EMPLOYEES AND IN TERMINATING THEIR EMPLOYMENT.

11. EACH PARTY AGREES TO FACILITATE TO THE MAXIMUM EXTENT POSSIBLE THE TRAVEL OF PERSONS EMPLOYED BY REPRESENTATIONS OF THE OTHER PARTY DESIRING TO ENTER ITS TERRITORY IN FURTHERANCE OF THE PURPOSES OF THIS AGREEMENT, AND TO MEMBERS OF THEIR IMMEDIATE FAMILIES. EACH PARTY AGREES TO MAKE AVAILABLE MULTIPLE ENTRY VISAS OF DURATION OF 6 MONTHS OR LONGER TO SUCH PERSONS AND TO MEMBERS OF THEIR IMMEDIATE FAMILIES. PERSONS WHO ARE EMPLOYEES OF REPRESENTATIONS OF THE OTHER PARTY SHALL BE PERMITTED TO THE MAXIMUM EXTENT POSSIBLE, IN ACCORDANCE WITH APPLICABLE REGULATIONS, TO TRAVEL ABROAD FOR PURPOSES RELATED TO THE BUSINESS OF THE REPRESENTATIONS BY WHICH THEY ARE EMPLOYED.

II. FOR THE PURPOSE OF APPLYING PARAGRAPH 10 OF ARTICLE IV, THE PARTIES RECOGNIZE THAT REASONABLE LEVELS AND APPLICATION OF FEES, RENTS, AND OTHER CHARGES AND ADQUATE NOTICE OF CHANGES THEREIN TO THE CONCERNED EMPLOYEES AND

REPRESENTATIVES ARE BENEFICIAL TO COMMERCE
AND COOPERATION BETWEEN THE TWO PARTIES.

III. FOR THE PURPOSE OF APPLYING PARAGRAPH 11 OF ARTICLE
IV, EACH PARTY UNDERTAKES TO ASSURE THE PERSONS REFERRED
TO THEREIN ACCESS TO ADEQUATE HOUSING AND OFFICE SPACE
AND COMMUNICATION FACILITIES, AND THE ABILITY TO UTILIZE,
IN ACCORDANCE WITH APPLICABLE PROCEDURES,
LOCAL PERSONNEL NECESSARY FOR THE CARRYING OUT OF THEIR
NORMAL ACTIVITIES. IN ADDITION, IN ACCORDANCE WITH
APPLICABLE CUSTOMS REGULATIONS, THE PARTIES WILL PERMIT
THE IMPORT OF TOOLS, EQUIPMENT AND AUTOMOBILES REQUIRED
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PAGE 04 BUCAR 00430 05 OF 06 011346Z

CONFIDENTIAL

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PAGE 01 BUCAR 00430 06 OF 06 011349Z

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ACTION EB-03

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C O N F I D E N T I A L SECTION 6 OF 6 BUCHAREST 0430

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FOR CARRYING OUT CONTRACTS, AS WELL AS, ON A DUTY-FREE BASIS,
IMPORTS OF PERSONAL EFFECTS. THE PARTIES WILL PERMIT DUTY-FREE
EXPORT OF IMPORTED PERSONAL EFFECTS AND AUTOMOBILES. EACH
PARTY AGREES TO FACILITATE TO THE MAXIMUM EXTENT POSSIBLE TRAVEL
OF SUCH PERSONS AND THE MEMBERS OF THEIR IMMEDIATE FAMILIES
DESIRING TO ENTER AND LEAVE ITS TERRITORY.

ANNEX 3

DEFINITIONS

1. IN THIS AGREEMENT "FIRMS, COMPANIES, AND ECONOMIC ORGANIZATIONS," FOR THE UNITED STATES OF AMERICA, SHALL INCLUDE CORPORATIONS, PARTNERSHIPS, SOLE PROPRIETORSHIPS, COMPANIES AND OTHER ECONOMIC ASSOCIATIONS CONSTITUTED UNDER THE LAWS AND REGULATIONS APPLICABLE IN THE UNITED STATES OF AMERICA, AND "FIRMS, COMPANIES, AND ECONOMIC ORGANIZATIONS," FOR THE SOCIALIST REPUBLIC OF ROMANIA, SHALL INCLUDE STATE ENTERPRISES, INDUSTRIAL CENTRALS, ENTERPRISES WITH THE STATUS OF CENTRALS AND OTHER ENTERPRISES WHICH CARRY OUT FOREIGN TRADE ACTIVITIES IN ACCORDANCE WITH LAWS AND REGULATIONS APPLICABLE IN THE SOCIALIST REPUBLIC OF ROMANIA.

2. IN THIS AGREEMENT "REPRESENTATION," IN THE CASE OF THE REPRESENTATIONS ESTABLISHED IN THE UNITED STATES OF AMERICA, SHAL INCLUDE SUBSIDIARIES OR UNINCORPORATED CONFIDENTIAL

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PAGE 02 BUCAR 00430 06 OF 06 011349Z

BRANCHES, OR OTHER FORMS OF BUSINESS ORGANIZATIONS LEGALLY CONSTITUTED UNDER THE LAWS AND REGULATIONS APPLICABLE IN THE TERRITORY OF THE UNITED STATES OF AMERICA BY FIRMS, COMPANIES, OR ECONOMIC ORGANIZATIONS OF THE SOCIALIST REPUBLIC OF ROMANIA, AND IN THE CASE OF THE REPRESENTATIONS ESTABLISHED IN THE SOCIALIST REPUBLIC OF ROMANIA, SHALL INCLUDE THE AGENCIES REFERRED TO IN ARTICLE 1 OF DECREE OF THE STATE COUNCIL OF THE SOCIALIST REPUBLIC OF ROMANIA NO. 15 OF JANUARY 25, 1971, ESTABLISHED BY A FIRM, COMPANY OR ECONOMIC ORGANIZATION OF THE UNITED STATES OF AMERICA.

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